

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION**

**JAMES T. MCFARLAIN**

**CIVIL ACTION NO. 07-1493**

**VS.**

**JUDGE MINALDI**

**ALLSTATE INSURANCE CO.**

**MAGISTRATE JUDGE METHVIN**

***JURISDICTIONAL REVIEW RULING***

Before the court is plaintiff's submission on jurisdictional amount, pursuant to court order.<sup>1</sup> Defendant has filed no response.

Plaintiff alleges the following: He had two insurance policies issued by defendant to protect him against property damage, financial losses, rental income and other losses from windstorm damage. The policies cover property located at located at 1503 Francis Avenue and rental property at 1610 Frances Avenue, Sulphur, Louisiana.<sup>2</sup> These properties were extensively damaged from the high winds and phenomena caused by Hurricane Rita.

Plaintiff affirmatively states in his memorandum that the amount in controversy exceeds \$75,000.

Plaintiff shows that the damages to the 1503 Francis Avenue property amount to \$77,185.06 while the damages to the 1610 Francis Avenue property amount to \$46,290.29. The Allstate Policy covered plaintiff's rental property for loss of rent. The 1610 Francis Avenue location was rented for \$850.00 per month at the time of Hurricane Rita. Under the policy, the

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<sup>1</sup> Plaintiff was ordered to file a memorandum with supporting documentation setting forth specific facts in controversy which supported a finding that the jurisdictional amount exists [Rec. Doc. 8]. Plaintiff's submission was filed as Rec. Doc. 13.


<sup>2</sup> Rec. Doc. 1.

twelve months allowed total would be \$10,200.00. Plaintiff is thus claiming damages of \$133,675.35.

In addition to contractual benefits, plaintiff alleges violations of La. R.S. 22:658 and/or La. R.S. 22:1220. Plaintiff seeks damages, including the cost to properly repair the building, any investigative and engineering fees incurred in the claim, and additional damages as authorized by La. R. S. 22:658 and La. R. S. 22:1220 as well as reasonable penalties and attorney's fees. Plaintiff submits this amount at a minimum is 25% of the amount due or an additional \$32,000.00.

Considering the foregoing, the undersigned concludes that the jurisdictional amount has been established in this case.

Signed at Lafayette, Louisiana, on January 8, 2008.

  
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Mildred E. Methvin  
United States Magistrate Judge  
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